

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
C.C. 06-01-04
Item #: 3.d.

File Number
C04-039

Application Type
Conventional Rezoning

Council District
3

Planning Area
Five Wounds/Brookwood Terrace

Assessor's Parcel Number(s)
Various (See Attachment)

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Pankti H. Shah

Location: Area generally bounded by E. Santa Clara Street; 30th Avenue; San Antonio Street and Williams Street; and South 22nd Street

Gross Acreage: 31.34

Net Acreage: 31.34

Net Density: N/A

Existing Zoning: LI Light Industrial and CP Commercial Pedestrian

Existing Use: Single-family, two-family, and industrial

Proposed Zoning: R-2 Two-Family Residential

Proposed Use: No change

GENERAL PLAN

Completed by: PHS

Land Use/Transportation Diagram Designation
Medium Density Residential (8-16 DU/AC)

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: PHS

North: Residential, Industrial, Commercial

R-2 Residential, LI Light Industrial, CG Commercial General

East: Single-family & Two-family Residential, Industrial

R-2 Residential, LI Light Industrial

South: Residential, Industrial, Commercial

R-2 Residential, LI Light Industrial, CP Commercial Pedestrian

West: Residential, Industrial

R-M Residential, R-2 Residential, LI Light Industrial

ENVIRONMENTAL STATUS

Completed by: PHS

☒ Environmental Impact Report found complete (GP 2020 EIR certified 8/16/1994)

☐ Exempt

☐ Negative Declaration circulated on

☐ Environmental Review Incomplete

☐ Negative Declaration adopted on

FILE HISTORY

Completed by: PHS

Annexation Title: East San Jose

Date: December 1, 1911

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date:

Approved by:

☒ Action
☐ Recommendation

APPLICANT/OWNER

ENGINEER

City of San Jose/Various

N/A

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: PHS

Department of Public Works

None received.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The proposed project is a City-initiated rezoning of approximately 31 acres located within the Five Wounds-Brookwood Terrace Strong Neighborhood Initiative (SNI) area from the LI Light Industrial and the CP Commercial Pedestrian Zoning Districts to the R-2 Two-Family Residence Zoning District. The proposed rezoning was initiated to implement the vision and objectives identified in the *Five Wounds-Brookwood Terrace SNI Plan*.

The subject rezoning covers 177 parcels in the area generally bounded by East Santa Clara Street to the north, 30th Street to the east, San Antonio Street and William Street to the south, and South 22nd Street to the west. Approximately 80 percent of the parcels in the subject area are currently developed with single-family or two-family residential uses. The remainder of the area is a mixture of older industrial uses.

Surrounding Area

The area directly north of the proposed rezoning area, along East Santa Clara Street, consists primarily of commercial uses with a few industrial uses. North of the rezoning area at Shortridge Avenue, East San Fernando Street, Whitton Avenue, and Brookwood Avenue (see map) lies primarily single-family residential, with a few two-family and multi-family residential uses. The properties located between US Highway 101, to the east, and the proposed rezoning area are predominantly residential with a few commercial uses interspersed. The area east and south of the proposed rezoning area, at 24th Street and San Antonio Street, is predominantly industrial along 24th Street with residential uses further east along and north of San Antonio Street. The southern end of the proposed rezoning area is surrounded by commercial, industrial and residential uses. Residential uses border the west side of the proposed rezoning area, some of which are newly built single-family residences with a few corner commercial sites interspersed throughout the neighborhood.

The area surrounding the proposed rezoning is primarily designated Medium Density Residential (8-16 DU/AC) on the General Plan Land Use/Transportation Diagram, with a few areas designated as Public Park/Open Space and Public/Quasi-Public. A majority of the properties surrounding the proposed rezoning area are zoned R-2 Two-Family Zoning District and are consistent with the general plan designation. There are a few properties adjacent to and/or across the street from the rezoning area that are zoned LI Light Industrial, CG Commercial General, R-M Multi-Family Residential, and R-MH Mobilehome Park District.

Five Wounds-Brookwood Terrace Plan

The *Five Wounds-Brookwood Terrace Neighborhood Improvement Plan* was developed as a shared vision for future actions between residents, businesses, and the City of San Jose. This Plan was endorsed by Planning Commission and later adopted by City Council on August 20, 2002. A Neighborhood Advisory Committee (NAC) was developed to carry out the goals of the plan into the future and consists of community members who represent residents, property owners, businesses and other stakeholders. The NAC process resulted in the vision and goals as documented in the Plan. The community's vision is that they "...hope all who will be involved in helping to shape the future of this area (such as our partners in the City, VTA and private developers) will work with us to create a 'Small Town San Jose' that all can enjoy." This community seeks to achieve this vision for all neighborhoods within the Five Wounds-Brookwood Terrace SNI area through programs and physical improvements. One of the strategies of the Plan is to eventually transform the auto-oriented and industrial uses that interrupt neighborhood life and impose a visual blight on the community.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan EIR," which was certified on August 16, 1994, by the City of San José City Council Resolution Number: 65459. The proposed rezoning conforms to the General Plan Land Use/Transportation Diagram designation.

GENERAL PLAN CONFORMANCE

The *San Jose 2020 General Plan Land Use/Transportation Diagram* designation for the proposed rezoning area is Medium Density Residential (8-16 DU/AC). The land use and development regulations of the R-2 Two-Family Residence Zoning District are consistent with this General Plan designation. The minimum required lot size in a R-2 Two-Family Residence Zoning District is 5,445 square feet (equivalent to eight dwelling units to the acre). This is consistent with the minimum density of the Medium Density Residential (8-16 DU/AC) designation.

ANALYSIS

Currently, the proposed rezoning area is zoned CP Commercial Pedestrian and LI Light Industrial and is proposed to be rezoned to the R-2 Two-Family Residential Zoning District. This rezoning would accomplish three objectives: 1) establish a zoning district for the subject area consistent with the predominant existing use, 2) bring the zoning into conformance with the General Plan facilitating development of uses consistent with the Medium Density Residential (8-16 DU/AC) designation, 3) support the goals and objectives of the City Council-approved *Five Wounds-Brookwood Terrace Strong Neighborhood Initiative Neighborhood Improvement Plan*.

Zoning

The rezoning area and surroundings were annexed into the City of San Jose in 1911. The current zoning districts were established when the first zoning ordinance was adopted in 1929. Many residences in the subject rezoning area pre-date 1929. Since 1929, the area has been predominantly LI Light Industrial Zoning District with a few properties zoned CP Commercial Zoning District (initially the I Light Industrial and E Commercial Zoning Districts, respectively). The City of San Jose Zoning Ordinance originally used inclusive zoning which allowed residential uses in all zoning districts. The inclusive zoning approach is different from our present-day exclusive zoning districts, which allow only certain uses exclusively in each zoning district. Presently, the LI Light Industrial Zoning District does not allow residential uses.

The purpose of the R-2 Two-Family Residence Zoning District is to reserve land for the construction, use and occupancy of single-family, two-family and associated residential uses. Within the rezoning project area, approximately 80% of the properties are currently developed with residential uses (57% single-family and 17 % two-family), 14% with industrial uses, and 6% with other uses. The proposed R-2 Two-Family Residence Zoning District would help stabilize the area and encourage residential upgrades and improvements by clearly establishing residential uses as the permitted use. The R-2 Two-Family Residence Zoning District would simplify the process for residential upgrades since owners would no longer need legal non-conforming confirmation from the Planning Divisions for minor improvements to most one-family dwellings and two-family dwellings. The rezoning would also eliminate the need for time consuming rezonings for new single-family homes and two-family duplexes or townhomes.

Any existing legal uses not allowed under the proposed zoning would be considered legal non-conforming uses upon its adoption. Any future expansion or improvement of these properties would be subject to the provisions of the Zoning Ordinance for legal non-conforming uses and would be subject to a Special Use Permit for any expansions or enlargements made to the use.

General Plan Conformance

The General Plan land use designation for the subject area has been residential since January 3, 1961, per the San Jose General Plan. The Medium Density Residential (8-16 DU/AC) designation has not been changed since March 1976, as designated in the General Plan 1975-1990. Inconsistencies between General Plan and Zoning can often send a mixed message to property owners and developers about the development potential for a given property and can act as a barrier to their development or improvement. The ultimate long-range land use goal, as established by the General Plan and the *Five Wounds-Brookwood Terrace SNI Plan*, is to facilitate the preservation and improvement of residential uses in the subject area. The proposed rezoning would better reflect the predominant existing use and the planned and preferred long-term residential use for the area.

Five Wounds-Brookwood Terrace SNI Plan Consistency

The *Five Wounds-Brookwood Terrace Neighborhood Improvement Plan* identifies a series of strategies to implement the revitalization of the Five Wounds-Brookwood Terrace neighborhood. Strategy No. 18 identifies facilitation of residential redevelopment of small sites with inappropriate existing uses. It specifically states the goal to “Support the redevelopment of small vacant and industrial sites scattered in and around residential neighborhoods as residential uses....” Rezoning properties to the R-2 Two-Family Zoning District, as proposed, would 1) encourage development of new single- and two-family uses on small vacant and industrial sites and 2) discourage the expansion of existing, or creation of new, industrial uses that are incompatible with the neighborhood.

Another action item, Strategy No. 55, is to “Create incentives for additional housing for a range of incomes.” The proposed rezoning would facilitate new residential development that is currently hindered by the existing zoning districts. By rezoning the subject area to support residential development, this could potentially encourage a greater mix of housing types which could include a range of affordable to higher-end single-family and two-family dwellings.

PUBLIC OUTREACH

The property owners and occupants within a 500-foot radius received a notice of the public hearings to be held on the proposed rezoning before the Planning Commission on May 12, 2004 and the City Council on June 1, 2004. In addition, the Department’s website contains information regarding the zoning process, the proposed rezoning application on file, associated staff reports, and the hearing schedule. This site may be used by the community to keep informed of the status of the rezoning.

SNI Outreach

Staff presented the proposed rezoning at the regularly scheduled monthly Five Wounds-Brookwood Terrace SNI Neighborhood Advisory Committee (NAC) during the month of February 2004. The SNI NAC is in support of the proposed rezoning.

Property Owner Community Outreach Meeting

An outreach mailing was sent to the 177 potentially affected property owners on March 5, 2004 and a meeting with property owners was conducted on March 25, 2004 within the neighborhood. The meeting attendance level was low, possibly due to the community's general acceptance and concurrence with the proposed rezoning efforts. A few owner occupants at the meeting expressed support for the rezoning proposal. A few telephone communications occurred with residential property owners expressing support for the proposed rezoning. One call was from a machine-shop owner who was not concerned about the proposed rezoning after it was explained that the legal nonconforming use regulations would apply to uses that were legal and would allow a use to remain as is, by right, should the rezoning occur.

RECOMMENDATION

Planning staff recommends approval of the proposed zoning for the following reasons:

1. The proposed rezoning is in conformance with the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation of Medium Density Residential (8-16 DU/AC).
2. The proposed rezoning will facilitate new development in the rezoning area that is compatible with the existing and surrounding residential neighborhood.
3. The proposed rezoning will streamline residential improvements and upgrades by providing clear policy and regulatory direction.
4. The proposed rezoning will help to implement some of the goals and objectives of the *Five Wounds-Brookwood Terrace SNI Neighborhood Improvement Plan*.

Attachments:

- List of Assessor Parcel Numbers
- Rezoning Location Map
- General Plan Diagram
- Q & A Sheet
- Fact Sheet